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FILE: 100-13

MEMORANDUM FOR: ✓ Harry Fitzwater
Deputy Director for AdministrationJames McDonald
Associate Deputy Director for Administration[redacted]
Chief, Administrative Law Division, OGC

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FROM: [redacted]
Acting Chief, Legislation Division, OLL

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SUBJECT: H.R. 3852, Concerning Reimbursement of
Moving Expenses Incurred By Federal Employees

1. Attached for your information, review, and comment is a bill recently introduced by Representative Frank Wolf and seven co-sponsors. The bill has been referred to the Committee on Government Operations. There have been no hearings scheduled on the bill at this point.

2. The bill amends various portions of sections 5723, 5724a, and 5726 of title 5, U.S.C., (attached) and also adds a new section 5724b. These proposed amendments are as follows:

- section 5723 at paragraph 5723(a)(1) is amended to authorize an agency to pay the travel expenses of any person appointed by the President and approved by the Senate whose position carries a rate of pay at a GS-16 level and above.
- paragraph 5724(a)(2) and subsection 5726b are amended to raise the weight limit of household goods and personal effects for which employees will be reimbursed from 11,000 pounds to 18,000 pounds.
- a new subsection 5724(j) is proposed concerning the regulations prescribed under section 5724 to require that an employee be given a reasonable period of advance notice whenever a reassignment or transfer of an employee for permanent duty is made from one official station or agency to another which is outside the employee's commuting area.

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- paragraph (a)(3) of section 5724a is amended to allow subsistence expenses of an employee or any member of his family to be paid for 60 days, rather than 30 days, and to allow an extension of an additional 60 days when there are compelling reasons for the employee to continue the occupation of temporary quarters.
- paragraph (a)(4) of section 5724a is amended to put limits on the reimbursement of brokerage fees for the sale of an employee's residence as well as fees incurred in connection with the purchase of a residence at the new official station. It also allows for an increase of these amounts each year according to the percent change, if any, in the Consumer Price Index.
- a new section 5724b authorizes an agency to pay an employee out of its appropriations a reimbursement for all or part of the Federal, State, or city income taxes incurred by an employee as a result of the reimbursement of moving or storage expenses.
- section 2 of the bill makes it clear that all expenses authorized by these amendments must be paid out of the funds appropriated or otherwise available to an agency for administrative expenses.

4. Information given to the Agency at one point indicated that Representative Wolf introduced this bill at the behest of the FBI. Upon learning this I telephoned one of my legislative liaison contacts at the FBI and learned that, in fact, this is not the case and I was told that the FBI has not communicated with Representative Wolf on this issue for a year. I was told that Representative Wolf has been concerned about this issue for a few years and has drafted similar legislation in the past in response to a constituency which is largely composed of federal employees.

5. Last Friday calls were made to both GSA and OMB on the present status of their efforts to finalize legislation on relocation allowances for employees government-wide. From these calls I learned that GSA is taking no action on the legislation at this point because it is now in the hands of OMB. Hilda Schreiber at OMB confirmed this and stated that they were working on this legislation but there was "a lot more to be done".

6. There has been correspondence between the Agency and Chairman Boland of HPSCI and Representative Joseph Abbaddo, Chairman of the Defense Subcommittee of the House Appropriations Committee, on Agency concerns regarding domestic relocation. Apparently in response to our suggestion to Chairman Boland that the CIA use its own section 4 authorities to remedy our problems in this area, HPSCI included

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in the classified annex to our Authorization Bill a section which makes it clear that the Committee intends that no action be taken by the Agency on this issue until a solution can be reached which would solve domestic relocation problems for all affected agencies in the Intelligence Community (attached). My conversation with the FBI indicates that they are not pursuing a remedy solely for the FBI and would be happy to work with us in crafting a broader solution. I am now in the process of learning the status of NSA efforts in this area.

7. Please let me know of any comments you may have on either H.R. 3852 or the domestic relocation issue

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Attachments

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Special Provisions - Central Intelligence Agency

CIA Personnel Relocation Reimbursements

The Committee has been apprised by CIA of a proposal to institute a new schedule of employee reimbursement for officially required changes of station. As the Committee has indicated in correspondence with the Agency, such changes should not be implemented until all affected agencies of the intelligence community (i.e., FBI and NSA) can also enjoy identical

benefits. The Committee expects, therefore, that no funds will be expended for personnel reimbursements unless this requirement is met. The Committee has consistently held that problems such as this which cut across the entire Community should be solved on a Community-wide basis. The Director of Central Intelligence has a clear responsibility as head of the Intelligence Community to provide for such comprehensive solutions.

Excerpt (pp 84&85) from
HPSCI Classified Annex on
FY84 Authorization Bill

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unless separated for reasons beyond his control which are acceptable to the agency concerned. These expenses are payable whether the separation is for Government purposes or for personal convenience.

(d) This section does not apply to appropriations for the Foreign Service of the United States.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 501.

Historical and Revision Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73b-3(a) (less 3d-6th provisos)	Aug. 2, 1946, ch. 744, § 7, 60 Stat. 808. Sept. 23, 1950, ch. 1010, § 2, 64 Stat. 985. Aug. 30, 1961, Pub.L. 87-172, § 2, 75 Stat. 409.

Explanatory Notes

In subsections (b)(1) and (c)(1), the words "under chapter 25 of title 20" are substituted for "under the Defense Department Overseas Teachers Pay and Personnel Practices Act" to reflect the scheduled transfer of that Act from chapter 34 of title 5 to chapter 25 of title 20.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Delegation of Functions. Authority of the President under subsec. (a) of this section to prescribe regulations with respect to the payment of travel expenses and transportation expenses of household goods and personal effects delegated to the Administrator of General Services, see section 1(4) of Ex.Ord.No.11609, July 22, 1971, 38 F.R. 13747, set out as a note under section 301 of Title 3, The President.

Library References

United States § 39(9).

C.J.S. United States §§ 17, 47.

Notes of Decisions

1. Leave rights

The granting of free transportation for purpose of taking leave neither liberalizes existing leave rights nor creates new

ones; hence, an employee who is not otherwise eligible for travel time without charge to leave is not made eligible by this provision. 1955, 34 Comp.Gen. 328.

→ § 5723. Travel and transportation expenses of new appointees and student trainees; manpower shortage positions

(a) Under such regulations as the President may prescribe and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses of a new appointee, or a student trainee when assigned on completion of college work, to a position in the United States for which the Office of Personnel Management determines there is a manpower shortage or of a new appointee to the Senior Executive Service; and

(2) transportation expenses of his immediate family and his household goods and personal effects to the extent authorized by section 5724 of this title;

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from his place of residence at the time of selection or assignment to his duty station. If the travel and transportation expenses of a student trainee were paid when he was appointed, they may not be paid when he is assigned after completion of college work. Travel expenses payable under this subsection may include the per diem and mileage allowances authorized for employees by subchapter I of this chapter. Advances of funds may be made for the expenses authorized by this subsection to the extent authorized by section 5724(f) of this title.

(b) An agency may pay travel and transportation expenses under subsection (a) of this section only after the individual selected or assigned agrees in writing to remain in the Government service for 12 months after his appointment or assignment, unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the United States for the expenses is recoverable from the individual as a debt due the United States.

(c) An agency may pay travel and transportation expenses under subsection (a) of this section whether or not the individual selected has been appointed at the time of the travel.

(d) The Office may delegate its authority to determine positions for which there is a manpower shortage for the purpose of this section.

(e) This section does not impair or otherwise affect the authority of an agency under existing statute to pay travel and transportation expenses of individuals named by subsection (a) of this section.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 502; Pub.L. 95-454, Title III, § 305, Title IV, § 409(a), Title IX, § 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1147, 1173, 1224.

Historical and Revision Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73b-3 (less (a))	Aug. 25, 1958, Pub.L. 85-749, 72 Stat. 843. July 5, 1960, Pub.L. 86-587, § 1, 74 Stat. 327. Oct. 16, 1963, Pub.L. 88-146, 77 Stat. 232.

Explanatory Notes

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1978 Amendment. Subsec. (a)(1). Pub.L. 95-454, §§ 409(a), 906(a)(2), added provisions relating to a new appointee to the Senior Executive Service, and substituted "Office of Personnel Management" for "Civil Service Commission".

Subsec. (d). Pub.L. 95-454, §§ 305, 906(a)(3), struck out "not" preceding

"delegate", and substituted "Office" for "Commission".

Effective Date of 1978 Amendment. Amendment of subsecs. (a)(1) and (d) by sections 305 and 906(a)(2) and (3) of Pub.L. 95-454 relating to delegation of functions and the Office of Personnel Management, respectively, effective 90 days after Oct. 13, 1978, see section 907 of Pub.L. 95-454, set out as a note under section 1101 of this title.

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Amendment of subsec. (a) of section 409(a) of Pub.L. 95-454, relating to a new appointee to the Senior Executive Service, 12 months after Oct. 13, 1978, and a partial review of provisions of sections 412 through 415 of Pub.L. 95-454, set out under section 3131 of this title.

Delegation of Functions. The President under subsec.

United States § 39(9).

§ 5724. Travel and transportation expenses

(a) Under such regulation as the head of the agency or approves, the agency

(1) the travel expenses of an interest of the Government, or another for permanent or his immediate family, 5704 of this title; and

(2) the expenses of storing, draying, and personal effects not in

(b) Under such regulation as the head of the agency or approves, the agency may pay the travel and transportation expenses of an employee who transports the continental United States, or the continental United States, or otherwise would be employed, and personal effects under instead of that transported

(1) a reasonable amount for transportation of a trailer or dwelling

(2) commercial dwelling, at Government expense therefor, charges, and permitted by the employer

However, payment under this section shall not exceed the minimum payment to which the employee is entitled under subsection (a)

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Amendment of subsec. (a)(1) by section 409(a) of Pub.L. 95-454 adding provision relating to a new appointee in the Senior Executive Service effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub.L. 95-454, see section 413 of Pub.L. 95-454, set out as a note under section 3131 of this title.

Delegation of Functions. Authority of the President under subsec. (a) of this

section to prescribe regulations with respect to the payment of travel expenses and transportation expenses delegated to the Administrator of General Services, see section 1(5) of Ex.Ord.No.11809, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

Legislative History. For legislative history and purpose of Pub.L. 95-454, see 1978 U.S.Code Cong. and Adm.News, p. 2723.

Library References

United States 6-39(9).

C.J.S. United States §§ 17, 47.

→ § 5724. Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis

(a) Under such regulations as the President may prescribe and when the head of the agency concerned or his designee authorizes or approves, the agency shall pay from Government funds—

(1) the travel expenses of an employee transferred in the interest of the Government from one official station or agency to another for permanent duty, and the transportation expenses of his immediate family, or a commutation thereof under section 5704 of this title; and

(2) the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking his household goods and personal effects not in excess of 11,000 pounds net weight.

(b) Under such regulations as the President may prescribe, an employee who transports a house trailer or mobile dwelling inside the continental United States, inside Alaska, or between the continental United States and Alaska, for use as a residence, and who otherwise would be entitled to transportation of household goods and personal effects under subsection (a) of this section, is entitled, instead of that transportation, to—

(1) a reasonable allowance not in excess of 20 cents a mile for transportation of the house trailer or mobile dwelling, if the trailer or dwelling is transported by the employee; or

(2) commercial transportation of the house trailer or mobile dwelling, at Government expense, or reimbursement to the employee therefor, including the payment of necessary tolls, charges, and permit fees, if the trailer or dwelling is not transported by the employee.

However, payment under this subsection may not exceed the maximum payment to which the employee otherwise would be entitled under subsection (a) of this section for transportation and tempo-

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rary storage of his household goods and personal effects in connection with this transfer.

(c) Under such regulations as the President may prescribe, an employee who transfers between points inside the continental United States, instead of being paid for the actual expenses of transporting, packing, crating, temporarily storing, draying, and unpacking of household goods and personal effects, shall be reimbursed on a computed basis at the rates per 100 pounds that are fixed by zones in the regulations. The reimbursement may not exceed the amount which would be allowable for the authorized weight allowance. However, under regulations prescribed by the President, payment of actual expenses may be made when the head of the agency determines that payment of actual expenses is more economical to the Government.

(d) When an employee transfers to a post of duty outside the continental United States, his expenses of travel and transportation to and from the post shall be allowed to the same extent and with the same limitations prescribed for a new appointee under section 5722 of this title.

(e) When an employee transfers from one agency to another, the agency to which he transfers pays the expenses authorized by this section. However, under regulations prescribed by the President, in a transfer from one agency to another because of a reduction in force or transfer of function, expenses authorized by this section and sections 5726(b) and 5727 of this title (other than expenses authorized in connection with a transfer to a foreign country) and by section 5724a(a), (b) of this title may be paid in whole or in part by the agency from which the employee transfers or by the agency to which he transfers, as may be agreed on by the heads of the agencies concerned.

(f) An advance of funds may be made to an employee under the regulations of the President with the same safeguards required under section 5705 of this title.

(g) The allowances authorized by this section do not apply to an employee transferred under chapter 14 of title 22.

(h) When a transfer is made primarily for the convenience or benefit of an employee, including an employee in the Foreign Service of the United States, or at his request, his expenses of travel and transportation and the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking of household goods and personal effects may not be allowed or paid from Government funds.

(i) An agency may pay travel and transportation expenses (including storage of household goods and personal effects) and other relocation allowances under this section and sections 5724a and 5726(c) of this title when an employee is transferred within the

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Pub.L. 89-554
Sept. 11, 1967
Stat. 1313.

Derivation:

In subsections
words "section 5
"section 5705 of
are substituted for
M. 1931 (5 U.S.C.
vice Expense Act
respectively, as
and 9(a) of the

Portion of title

5724(a)(2)

5724(c)

5724(e)

5724(f)

Subsection 4a(2)
the act of July 21,
the codification of
(f); accordingly, w
to 5 U.S.C. 5724 are

In subsection 4a,
is substituted for
the provisions of
section 4(a) of the
codification of that

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continental United States only after the employee agrees in writing to remain in the Government service for 12 months after his transfer, unless separated for reasons beyond his control that are acceptable to the agency concerned. If the employee violates the agreement, the money spent by the United States for the expenses and allowances is recoverable from the employee as a debt due the United States.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 502; Pub.L. 90-83, § 1(36), Sept. 11, 1967, 81 Stat. 204; Pub.L. 90-623, § 1(14), Oct. 22, 1968, 82 Stat. 1813.

Historical and Revision Notes

1966 Act

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73-b-1(a), (b)	Aug. 2, 1946, ch. 744, § 1(a), (b), 60 Stat. 806.
		Sept. 23, 1950, ch. 1010, §§ 1(a), (b), 3(b), 64 Stat. 965, 986.
		Feb. 12, 1958, Pub.L. 85-326, 72 Stat. 14.
		Sept. 6, 1960, Pub.L. 86-707, § 301(c)(1), 74 Stat. 796.
		Oct. 9, 1962, Pub.L. 87-776, 76 Stat. 777.

Explanatory Notes

In subsections (a)(1) and (f), the words "section 5704 of this title" and "section 5705 of this title", respectively are substituted for "the Act of February 14, 1931 (5 U.S.C. 73a)" and "the Subsistence Expense Act of 1926 (5 U.S.C. 828)", respectively, on authority of sections 4, 5, and 9(a) of the Travel Expense Act of

1949, as amended, which are carried into sections 5704, 5705, and 5708.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 Act

Section of title 5	Source (U.S. Code)	Source (Statutes at Large)
5724(a)(2)	5 App.:73b-1(a)	July 21, 1966, Pub.L. 89-516, § 1(a), 80 Stat. 323.
5724(c)	5 App.:73b-1(b)	July 21, 1966, Pub.L. 89-516, § 1(b), 80 Stat. 323.
5724(e)	5 App.:73b-4d	July 21, 1966, Pub.L. 89-516, § 2, "Sec. 28", 80 Stat. 324.
5724(l)	5 App.:73b-4f	July 21, 1966, Pub.L. 89-516, § 2, "Sec. 28", 80 Stat. 325.

Subsection (a)(1), (3) of section 1 of the act of July 21, 1966, was effected in the codification of 5 U.S.C. 5724(a)(1), (f); accordingly, no further amendments to 5 U.S.C. 5724 are necessary.

In subsection (e), the word "However" is substituted for "and notwithstanding the provisions of the fourth proviso of section 1(a) of this Act" to reflect the codification of that proviso in 5 U.S.C.

5724(e). The words "agency" and "agencies" are substituted for "department" and "departments", respectively, to conform to the definition in 5 U.S.C. 5721(1). The words "this section and sections 5726(b) and 5727 of this title" and "section 5724a(a), (b) of this title" are substituted for "section 1, subsections (a) and (b) and subsections (e) and (f)" and "sections 23 and 24 of this Act", respec-

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expenses of employees, dependents, and household effects. 1957, 37 Comp.Gen. 203.

3. Travel incident to transfer

Employee of Judicial Branch who travels to new official station upon acceptance of Presidential appointment in the Executive Branch may be considered to have traveled incident to a transfer from one department to another so as to be entitled to reimbursement of travel and transportation expenses. 1954, 34 Comp. Gen. 204.

4. Government service

Within this section providing that an agency may pay travel and transportation expenses when a government employee is transferred within continental United States only after employees agrees in writing to remain in the government service for 12 months after his transfer, "government service" is not synonymous

with "agency service" and section requires only that the employee remain in the service of the government of the United States 12 months after his transfer and not that he remain with the same agency. *Finn v. U. S.*, 1970, 428 F.2d 828, 192 Ct.Cl. 814.

Government employee who resigned from Federal Bureau of Investigation and accepted employment with Internal Revenue Service and who remained in the employ of the Internal Revenue Service for more than one year following effective date of his transfer by the Bureau performed his obligation of remaining in "government service" as required by statute and the Bureau was not entitled to withhold unpaid salary and unapplied bond balance as reimbursement for travel and relocation expenses, even though employee had signed agreement to stay in employ of the Bureau for one year after transfer. *Id.*

Code of Federal Regulations

Coverage, see 41 CFR 101-6.000 et seq.

→ § 5724a Relocation expenses of employees transferred or reemployed

(a) Under such regulations as the President may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to an agency for administrative expenses are available for the reimbursement of all or part of the following expenses of an employee for whom the Government pays expenses of travel and transportation under section 5724(a) of this title:

(1) Expenses of per diem allowance instead of the subsistence expenses of the immediate family of the employee while en route between his old and new official stations, not in excess of the maximum per diem rates prescribed by or under section 5702 of this title.

(2) Expenses of per diem allowance instead of subsistence of the employee and his spouse, not in excess of the maximum per diem rates prescribed by or under section 5702 of this title. Expenses of transportation to seek permanent residence quarters at a new official station when both the old and new stations are located within the continental United States. However, expenses under this paragraph may be allowed only for one round trip in connection with each change of station of the employee.

(3) Subsistence expenses of the employee and his immediate family for a period of 30 days while occupying temporary quar-

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ters when the new official station is located within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979). The period of residence in temporary quarters may be extended for an additional 30 days when the employee moves to or from Hawaii, Alaska, the territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979). The regulations shall prescribe average daily rates for subsistence expenses per individual, not in excess of the maximum per diem rates prescribed by or under section 5702 of this title, for the location in which the temporary quarters are located. Reimbursement for subsistence expenses actually incurred may not exceed these daily rates for the first 10 days of the period, two-thirds of the rates for the second 10 days, and one-half of the rates for the balance of the period, including the additional 30 days.

(4) Expenses of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old station and purchase of a home at the new official station required to be paid by him when the old and new official stations are located within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979). However, reimbursement for brokerage fees on the sale of the residence and other expenses under this paragraph may not exceed those customarily charged in the locality where the residence is located, and reimbursement may not be made for losses on the sale of the residence. This paragraph applies regardless of whether title to the residence or the unexpired lease is in the name of the employee alone, in the joint names of the employee and a member of his immediate family, or in the name of a member of his immediate family alone.

(b) Under such regulations as the President may prescribe and to the extent considered necessary and appropriate, as provided therein, and notwithstanding other reimbursement authorized under this subchapter, an employee who is reimbursed under subsection (a) of this section or section 5724(a) of this title is entitled to—

(1) an amount not to exceed 2 weeks' basic pay, if he has an immediate family; or

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(2) an amount not to exceed the amount which would be payable if he had not have an immediate family.

However, the amounts shall not exceed the maximum rate for GS-13.

(c) Under such regulations as the President may prescribe, an employee who is transferred from one official station to another by a nontemporary appointment shall be reimbursed for the expenses authorized under this title, and may receive reimbursement under subsection (a) and (b) of this section if he is transferred in the line of duty or in service to the location to which he is transferred.

Added Pub.L. 90-83, § 101, amended Pub.L. 96-70, § 101.

History

Section of title 5	Source
5724a(a)	5 App.
5724a(b)	5 App.
5724a(c)	5 App.

In subsection (a), the word "department" is substituted for "department" in the definition in 5 U.S.C. 5702(2) and 2105. The word "employee" is substituted for "officers or employees" and "employee" to conform to the definition in 5 U.S.C. 5721(2) and 2105. "section 5724(a) of this title" is substituted for "section 5702 of this title" in subsection (a) of section 1 of this title and "section 3 of the Travel Act of 1949 (63 Stat. 106, as amended, 5 U.S.C. 836)" to reflect the codification of acts in 5 U.S.C. In subsection (2), the words "within the United States" are coextensive with the words "within the United States, excluding Alaska" substituted for "within the United States" in 5 U.S.C. 5721(3).

In subsection (b), the words "chapter" and "subsection (a) of this section or section 5724(a) of this title" are substituted for "this Act" and "section 1(a) or section 23 of this Act" in 5 U.S.C. 5721(3).

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(2) an amount not to exceed 1 week's basic pay, if he does not have an immediate family.

However, the amounts may not exceed amounts determined from the maximum rate for GS-18.

(c) Under such regulations as the President may prescribe, a former employee separated by reason of reduction in force or transfer of function who within 1 year after the separation is reemployed by a nontemporary appointment at a different geographical location from that where the separation occurred may be allowed and paid the expenses authorized by sections 5724, 5725, 5726(b), and 5727 of this title, and may receive the benefits authorized by subsections (a) and (b) of this section, in the same manner as though he had been transferred in the interest of the Government without a break in service to the location of reemployment from the location where separated.

Added Pub.L. 90-83, § 1(37)(A), Sept. 11, 1967, 81 Stat. 204, and amended Pub.L. 96-70, Title I, § 1231(d), Sept. 27, 1979, 93 Stat. 470.

Historical and Revision Notes

Section of title 5	Source (U.S. Code)	Source (Statutes at Large)
5724(a)	5 App.:73b-4a	July 21, 1966, Pub.L. 89-516, § 2 "Sec. 23," 80 Stat. 323.
5724(b)	5 App.:73b-4b	July 21, 1966, Pub.L. 89-516, § 2 "Sec. 24," 80 Stat. 324.
5724(c)	5 App.:73b-4c	July 21, 1966, Pub.L. 89-516, § 2 "Sec. 27," 80 Stat. 325.

In subsection (a), the word "agency" is substituted for "department" to conform to the definition in 5 U.S.C. 5721(1). The word "employee" is substituted for "officers or employees" and "officer or employee" to conform to the definitions in 5 U.S.C. 5721(2) and 2105. The words "section 5724(a) of this title" and "section 5702 of this title" are substituted for "subsection (a) of section 1 of this Act" and "section 3 of the Travel Expense Act of 1949 (63 Stat. 166, as amended; 5 U.S.C. 536)" to reflect the codification of the cited acts in 5 U.S.C. In subsection (a) (3), the words "within the continental United States" are coextensive with and substituted for "within the continental United States, excluding Alaska" on authority of the definition of "continental United States" in 5 U.S.C. 5721(3).

In subsection (b), the words "this subsection" and "subsection (a) of this section or section 5724(a) of this title" are substituted for "this Act" and "section 1(a) or section 23 of this Act", respectively,

to reflect the codification of the act in 5 U.S.C. The word "officer" is omitted as included in "employee". The words "In the General Schedule of the Classification Act of 1949, as amended" are omitted as unnecessary.

In subsection (c), the word "officer" is omitted as included in "employee". The words "sections 5724, 5725, 5726(b), and 5727 of this title" and "subsections (a) and (b) of this section" are substituted for "section 1 of this Act" and "sections 23 and 24 of this Act", respectively, to reflect the codification of the act in title 5, United States Code.

References in Text. Section 3(a) of the Panama Canal Act of 1979, referred to in subsec. (a)(3) and (4), is classified to section 3602(a) of Title 22, Foreign Relations and Intercourse.

1979 Amendment. Subsec. (a). Pub.L. 96-70 substituted in para. (3) and (4) "areas and installations in the Republic of Panama made available to the United

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Historical and Revision Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73b-1(d)	Sept. 23, 1950, ch. 1010, § 1(c), 64 Stat. 985.

Explanatory Notes

The word "employee" is substituted for "civilian officers and employees" in view of the definition of "employee" in sections 5721 and 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

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C.J.S. United States §§ 17, 47.

→ § 5726. Storage expenses; household goods and personal effects

(a) For the purpose of subsection (b) of this section, "household goods and personal effects" means such personal property of an employee and his dependents as the President may by regulation authorize to be transported or stored, including, in emergencies, motor vehicles authorized to be shipped at Government expense.

(b) Under such regulations as the President may prescribe, an employee, including a new appointee and a student trainee to the extent authorized by sections 5722 and 5723 of this title, assigned to a permanent duty station outside the continental United States may be allowed storage expenses and related transportation and other expenses for his household goods and personal effects when—

(1) the duty station is one to which he cannot take or at which he is unable to use his household goods and personal effects; or

(2) the head of the agency concerned authorizes storage of the household goods and personal effects in the public interest or for reasons of economy.

The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed 11,000 pounds net weight, excluding a motor vehicle described by subsection (a) of this section.

(c) Under such regulations as the President may prescribe, when an employee, including a new appointee and a student trainee to the extent authorized by section 5723 of this title, is assigned to a permanent duty station at an isolated location in the continental United States to which he cannot take or at which he is unable to use his household goods and personal effects because of the absence of residence quarters at the location, nontemporary storage expenses or

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storage at Government expense in Government-owned facilities (including related transportation and other expenses), whichever is more economical, may be allowed the employee under regulations prescribed by the head of the agency concerned. The weight of property stored under this subsection, together with the weight of property transported under sections 5723(a) and 5724(a) of this title, may not exceed the total maximum weight the employee would be entitled to have moved. The period of nontemporary storage under this subsection may not exceed 3 years.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 504; Pub.L. 90-83, § 1(38), Sept. 11, 1967, 81 Stat. 205.

Historical and Revision Notes

1966 Act

Derivation: United States Code
5 U.S.C. 73b-1(e)

Revised Statutes and Statutes at Large
Sept. 6, 1960, Pub.L. 86-707, § 301(c)(2),
(d) (as applicable to the Administrative
Expense Act of 1946, as amended),
74 Stat. 796.

Explanatory Notes

The word "employee" is substituted for "Civilian officers and employees of departments and establishments" in view of the definition of "employee" in sections 5701 and 2105.

In subsection (b), the words "including a new appointee and a student trainee to the extent authorized by sections 5722 and 5723 of this title" are substituted for

"including any new appointee in accordance with section 73b-3 of this title" for clarity and reflect the codification of former section 73b-3 in this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 Act

Section of title 5	Source (U.S. Code)	Source (Statutes at Large)
5726(c)	5 App.:73b-4c	July 21, 1966, Pub.L. 89-516, § 2 "25", 80 Stat. 324.

The amendment of subsection (a) of 5 U.S.C. 5726 reflects the addition of a new subsection (c).

Subsection (b) of 5 U.S.C. 5726 was derived from subsection (e) of section 1 of the Administrative Expenses Act of 1946, as amended (74 Stat. 796). In the codification of subsection (e), the words "7,000 pounds net weight" were substituted for "the maximum weight limitation provided by subsection (a)". During the pendency of the codification bill, section 1(a)(2) of Public Law 89-516, amended subsection (a) of section 1 of the Administrative Expenses Act of 1946 to increase the maximum weight limitation from 7,000 to 11,000 pounds. Thus, the amend-

ment of subsection (b) is necessary to reflect the current weight limitation applicable.

In subsection (c), the word "employee" is substituted for "civilian officer or employee" to conform to the definitions in 5 U.S.C. 5721(2) and 2105. The words "including a new appointee and a student trainee to the extent authorized by section 5723 of this title" are substituted for "including any new appointee in accordance with section 7(b) of this Act, as amended" for clarity and to reflect the codification of section 7(b) in 5 U.S.C. 5723. The words "continental United States" are coextensive with and substituted for "continental United States, in-

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cluding Alaska" on authority of the definition of "continental United States" in U.S.C. 5721(3). The words "head of agency concerned" are substituted for "head of the Executive Department agency concerned" to conform to the definition in 5 U.S.C. 5721(1). In the permissive sentence, the words "section 5723(a) and 5724(a) of this title" are substituted for "section 1 or 7(b) of the Act" to reflect the codification of sections 1 and 7(b) in 5 U.S.C. 5723(a) and 5724(a); and the word "officer" is omitted as included in "employee". In the last sentence, the words "under subsection" are inserted for clarity.

Subsection (b) of section 25 of the Administrative Expenses Act of 1946 (added by section 2 of Public Law 89-516) is omitted as executed.

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§ 5727. Transportation

(a) Except as specifically authorized in a statute or regulation to transport other individual at Government expense, an employee may not transport an automobile.

(b) Under such regulations as may be prescribed by the head of the agency concerned, an employee may transport a privately owned motor vehicle to and from a point of duty outside the continental United States, and a student trainee to and from a point of duty outside the continental United States, if the transportation is necessary in the performance of the employee's duties.

(1) the employee is assigned to duty for more than temporary duty; and

(2) the head of the agency concerned determines that the transportation is in the interest of the Government and is necessary for the operation of a motor vehicle at the point of duty.

(c) An employee may transport a motor vehicle under subsection (b) of this section if the transportation is necessary in the performance of the employee's duties, and the head of the agency concerned determines that the transportation is in the interest of the Government and is necessary for the operation of a motor vehicle at the point of duty. (b) of this section of one added as a replacement. When an employee is assigned to duty outside the United States, the date of transportation under